

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

APR - 7 2006

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TETSUJI KONDO and MIKIHICO SUZUKI

Application No. 10/808,292

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 27, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

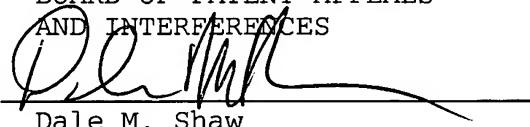
On December 2, 2005, the examiner has mailed an examiner's answer. In the Evidence Relied Upon section, page 2, paragraph (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that a reference to Franchitto (US 5,724,946) was applied to the statement of rejections in the Grounds of Rejection section, paragraph (9), of the examiner's

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answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the Franchitto (US 5,724,946) reference mentioned in the statement of rejections.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) vacate the examiner's answer and issue a revised Examiner's Answer having the reference to Franchitto (US 5,724,946) listed under the Evidence Relied Upon section; and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES
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